

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ELBERTA BERNICE LIEBERMAN,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 96-523-GMS
)	
THE STATE OF DELAWARE,)	
THE FAMILY COURT OF THE)	
STATE OF DELAWARE)	
)	
Defendant.)	

**PLAINTIFF ELBERTA BERNICE LIEBERMAN'S
PROPOSED JURY INTERROGATORIES**

Pursuant to Rule 49 of the Federal Rules of Civil Procedure, and Rule 51.1(c) of the Local Rules of Civil Practice and Procedure of the United States District Court for the District of Delaware, Plaintiff Elberta Bernice Lieberman requests that the Court instruct the Jury to return a verdict by answering the following interrogatories:

COUNT I

Do you find from a preponderance of the evidence:

1. That plaintiff Bernice Lieberman was an "individual with a disability," as defined in these instructions?

Answer Yes or No _____

2. That plaintiff Bernice Lieberman was an "otherwise qualified individual with a disability," as defined in these instructions?

Answer Yes or No _____

3. That plaintiff Bernice Lieberman suffered an adverse employment decision by the State?

Answer Yes or No _____

4. That the adverse employment decision was a result of either discrimination or a failure to reasonably accommodate for Bernice Lieberman's disability?

Answer Yes or No _____

COUNT II

Do you find from a preponderance of the evidence:

1. That the State knew about the Bernice Lieberman's disability?

Answer Yes or No _____

2. That Bernice Lieberman requested accommodations or assistance for her disability?

Answer Yes or No _____

3. That the State did not make a good faith effort to assist Bernice Lieberman in seeking accommodations?

Answer Yes or No _____

4. That Bernice Lieberman could have been reasonably accommodated by the State.

Answer Yes or No _____

Note: If you answered "Yes" to either all of the questions in Count I or all of the questions in Count II or all of the questions to both Counts I and II, then proceed to the State's Defense questions. If you answered "No" to one or more questions

in Count I and one or more questions in Count II, then you do not have to answer the remaining questions.

STATE'S DEFENSE

1. Did the State produce evidence that proved that the accommodations requested by the plaintiff are unreasonable, or would cause an undue hardship on the employer?

Answer Yes or No _____

Note: If you answered "No" to this question, then proceed to answer the Damages Questions. If you answered "Yes" to this question, then to proceed to the Pretext Claim.

PRETEXT CLAIM

1. Did Bernice Lieberman prove by a preponderance of the evidence that the state's reason for the adverse employment decision was not its true reasons but rather a pretext for discrimination?

Answer Yes or No _____

Note: If you answered "No" to the preceding question, then you need not answer the remaining questions. If you answered "Yes" to the preceding question, then proceed to the Damages questions.

DAMAGES

Do you find from a preponderance of the evidence:

1. That plaintiff Bernice Lieberman should be awarded damages to compensate for a net loss of wages and benefits to the date of trial?

Answer Yes or No _____

If your answer is "Yes," in what amount? \$ _____

2. That plaintiff Bernice Lieberman should be awarded damages to compensate for a net loss of wages and benefits from the date of your verdict until the date when plaintiff Bernice Lieberman would have voluntarily resigned or obtained other employment.

Answer Yes or No _____

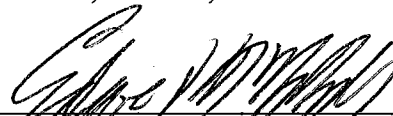
If your answer is "Yes," in what amount? \$ _____

3. That plaintiff Bernice Lieberman should be awarded damages to compensate for emotional pain and mental anguish?

Answer Yes or No _____

If your answer is "Yes," in what amount? \$ _____

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